In the Preſs, and ſhortly will be publiſhed

THE SECOND TRIAL

OF

DANIEL ISAAC EATON,

On an Information, ex Officio, for ſelling a ſuppoſed

LIBEL.

"Letter addreseed to the Addreſſers."

BEFORE

LORD LOYD KENYON,

IN THE COURT OF KING'S BENCH,

GUILDHALL.

On WEDNESDAY, 10th. JULY, 1793.

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THE PROCEEDINGS,

ON THE

TRIAL OF

DANIEL ISAAC EATON,

UPON AN

INDICTMENT,

FOR SELLING A SUPPOSED LIBEL,

"*The second part of the Rights of Man, combining principle and practice.*"

By THOMAS PAINE.

AT

JUSTICE HALL,

IN THE OLD BAILEY.

BEFORE THE

RECORDER of LONDON.

On MONDAY, the third Day JUNE, 1793

The Second Edition.

LONDON.

PRINTED AND PUBLISHED BY THE DEFENDANT,

DANIEL ISAAC EATON,

No. 81, BISHOPSGATE STREET.

And sold by JAMES RIDGWAY, YORK STREET, ST. JAMES'S;

H. D. SYMONDS, PATERNOSTER ROW;

And all other Booksellers in Town and Country.

(PRICE ONE SHILLING AND SIXPENCE.)

Entered at Stationers' Hall.

THE PROCEEDINGS

Names of the Jury.

Mr. Joſeph Scammel,	*Noble Street.*
Thomas Bond,	*Crooked Lane.*
Joſeph Greening,	*Ditto.*
Thomas Swaine,	*Lilipot Lane.*
Jonathan Cope,	*St. Martins le grand.*
David Bligh,	*Ditto.*
Joſhua Windſor,	*Ditto.*
John Morgan,	*St. Anns Lane, Aldersgate Street,*
Samuel Glover,	*Alderſgate Street.*
Edward Howell,	*Miles's Lane Cannon Street.*
Thomas Preſton,	*Ditto.*
Joſeph Cecil,	*Ditto.*

Counſel for the Proſecution.

Mr. GARROW,
Mr. FIELDING.

Attornies.

Meſſrs. CHAMBERLAYNE and WHITE,
Solicitors to the Treaſury.

Counſel for the Defendant.

Mr. FELIX VAUGHAN,
Mr. JOHN GURNEY.

Attorney.

Mr. I. A. BONNEY,
No. 4, Perry Street, Rathbone-Place.

BRITISH MUSEUM 67 DEC

THE KING,

verſus

DANIEL ISAAC EATON.

INDICTMENT.

London. At the general Seſſion of Oyer and Terminer, of our Lord the King, holden for the City of London, at Juſtice Hall, in the Old Bailey, within the Pariſh of St. Sepulchre, in the Ward of Farringdon without, in London aforeſaid, on Wedneſday, the twentieth Day of February, in the thirty-third Year of the Reign of our Sovereign Lord, George the third, King of Great Britain, &c.

London (to wit.) THE Jurors for our Lord, the King, upon their oath preſent, *That Daniel Iſaac Eaton, late of the Pariſh of St. Botolph, without Biſhopſgate, in the Ward of Biſhopsgate, in the City of London, aforeſaid*

ſaid, Bookſeller. Being a wicked, malicious, ſeditious and ill diſpoſed Perſon, and being greatly diſaffected to our ſaid ſovereign Lord, the now King and to the Conſtitution and Government of this Kingdom, and, moſt unlawfully, wickedly, ſeditiouſly and maliciouſly, deviſing, contriving, and intending, to ſcandalize, traduce, and vilify our ſaid Lord, the now King, and the hereditary ſucceſſion to the Crown and regal Government of this Kingdom, as by Law eſtabliſhed, and to alenate and withdraw from our ſaid preſent Sovereign Lord the now King, the true and due obedience, fidelity and allegiance, of his Subjects, and wickedly and ſeditiouſly to diſturb the Peace and Tranquility of this Kingdom: on the ſeventeenth Day of January, in the thirty-third Year of the Reign of our ſaid preſent ſovereign Lord the King, with force and arms at the Pariſh aforeſaid, in the Ward aforeſaid, in London aforeſaid. He the ſaid Daniel Iſaac Eaton, unlawfully, wickedly, maliciouſly and ſeditiouſly did publiſh and cauſe to be publiſhed, a certain ſcandalous malicious and ſeditious Libel, intituled "Rights of Man, part ſecond, combining "principle and practice, by Thomas Paine, Secretary "for Foreign Affairs to Congreſs, in the American "War, and Author of the Works entitled Common "Senſe, and the firſt part of the Rights of Man." London, printed for H. D. Symonds, Paternoſter-row, 1792. In which ſaid Libel are contained (amongſt other things) divers ſcandalous, malicious, and ſeditious Matters, of and concerning the Hereditary Succeſſion to the Crown and regal Government of this Kingdom,

as

as by Law eſtabliſhed, (that is to ſay) in one part thereof according to the tenor and effect following,

Page 18 (that is to ſay) "It cannot be proved by what right "Hereditary Government (meaning amongſt other things "the ſaid Hereditary Government of this Kingdom.) "could begin, neither does there exiſt within the "compaſs of Mortal Power a right to eſtabliſh it "(meaning ſuch Hereditary Government.) Man has "no Authority over poſterity in matters of perſonal "Right, and therefore, no man or body of men, had, "or can have a right to ſet up Hereditary Govern-"ment." (meaning amongſt other things, the Hereditary Government of this Kingdom.) And in another part thereof, according to the tenor and effect following,

Page 19 "Hereditary Succeſſion, (meaning amongſt other things "the ſaid Hereditary Succeſſion to the Government of "this Kingdom.) is a burleſque upon Monarchy, it "puts it in the moſt ridiculous light, by preſenting it "as an office, which any child or ideot may fill. "It requires ſome Talents to be a common Mechanic, "but to be a King requires only the Animal Figure "of Man, a ſort of breathing Automaton, this ſort "of ſuperſtition may laſt a few Years more, but it cannot "long reſiſt the awaken'd reaſon and intereſt of Man." And in another part thereof according to the tenor

Page 20 and effect following, (that is to ſay,) "A govern-"ment calling itſelf free, with an Hereditary Office, "(meaning amongſt other things, the Government of "this Kingdom, with an hereditary office of King, "thereof,) is like a Thorn in the Fleſh, that produ-"ces a fermentation which endeavours to diſcharge it."

And

And in another part thereof, according to the tenor
Page 21 *and effect following (that is to say,)* "*Hereditary*
"*System, (meaning amongst other things the Hereditary System of succession to the Crown of this Kingdom) therefore is as repugnant to human wisdom,*
"*as to human rights, and is as absurd, as it is unjust.*"
And in another part thereof, according to the tenor
Page 25 *and effect following, (that is to say)* "*Whether I have*
and 26 "*too little sense to see, or too much to be imposed upon, whether I have too much or too little Pride or*
"*of any thing else, I leave out of the Question, but*
"*certain it is, that what is called Monarchy, (meaning amongst other things the Monarchy of this*
"*Kingdom) always appears to me a silly contemptible*
"*thing, I compare it to something kept behind a*
"*curtain, about which there is a great deal of bustle*
"*and fuss, and a wonderful air of seeming solemnity, but when by any accident the curtain hap-*
"*pens to be open, and the company see what it*
"*is, they burst into Laughter.*" *And in another part thereof acccording to the tenor and effect following,*
Page 26 *that is to say,* "*That Monarchy, (meaning amongst*
"*other things the Monarchy of this Kingdom.) is all*
"*a Bubble, a mere Court Artifice to procure Money,*
"*is evident, (at least to me,) in every Character*
"*in which it can be viewed.*" *And in another part thereof according to the tenor and effect following,*
Page 27 *that is to say)* "*It can only be by blinding the*
"*understanding of Man, and making him believe*
"*that Government is some wonderful, mysterious*
"*thing, that excessive Revennues are obtained.*

Mo-

*" Monarchy (meaning amongſt other things the Mo-
" narchy of this Kingdom,) is well calculated to
" enſure this end. It is the Popery of Govern-
" ment, a thing kept up to amuſe the Ignorant and
" quiet them into Taxes." in contempt of our ſaid Lord the now King, in open violation of the Laws of this Kingdom, and to the great Danger of our happy Conſtitution, to the evil example of all others in the like offending, and againſt the Peace of our ſaid Lord the King, his Crown and Dignity.*

Witneſs,

CHARLES HUMPHRIES.

Mr. Fielding opened the Indictment.

Mr. GARROW,

Gentlemen of the Jury,

I HAVE alſo the honour of attending you upon this occaſion, charged with the duty of ſtating to you, on the part of the Crown, the circumſtances which belong to this caſe, imputing to the Defendant, the guilt of being the Publiſher of a ſeditious Libel.

As this is an appeal between the Defendant and the Public, calling upon you, under the moſt ſolemn of all ſanctions to decide. I ſhould, after what has paſſed upon the ſubject of this Publication in other places, have contented myſelf, with very ſhortly deſiring that the paſſages ſhould be read to you, that the fact of publication ſhould be proved, and ſhould then have aſked for your Verdict. The reaſon I take another courſe is this, it has happened ſomehow, or another, that perſons ſtanding in the ſituation of the Defendant, have had the good fortune, in every place in which they have been proſecuted, to be defended by very conſiderable talents and abilities, from the exerciſe of which it is to be expected, (as experience has ſhewn us it has been practiſed,) that all the ingenuity and learning of the profeſſion can bring in aid of ſuch Defendants, will be exerted for the purpoſe of ſtanding as a ſhield between them and the Verdicts of Juries, in order to protect them from conviction.

Upon the preſent occaſion, the Defendant has the advantage of the attendance of a learned friend of mine, if he will permit

permit me to call him ſo, for whoſe abilities I have very great reſpect, and therefore it will be my duty, (as in all probability this will be the only ſtage of the cauſe, in which I ſhall have an opportunity of addreſſing you) to anticipate the modes of defence, that my friend's ingenuity will find out, and appeal from that ingenuity to your plain ſober common ſenſe and diſcretion, to decide between my friend and me, upon the propriety of the Defendant's Conduct.

In the outſet of the cauſe, I ſay this, repreſenting the public, if you have any ſerious, ſober, rational, doubts of the guilt of the Defendant, upon any of the fair topics, that may be adduced before you, in God's name pronounce him Not Guilty. If on the other hand, when the evidence ſhall be laid before you, when you ſhall have attended to this Publication, as men of ſober reaſoning muſt attend to it, you ſhall find it impoſſible to pronounce him not guilty without a breach of your Oaths, or a dereliction of your duty. Sure I am, you will not incur the imputation of having ſacraficed the one, or infringed the other upon any topics of compaſſion, humanity, or any other that ingenuity may furniſh.

It may occur to ſome perſons who have but ſuperficially attended to this ſubject, that theſe proſecutions have been multiplied too much. Judge of that, when it is ſtated to you, that after this publication, which I ſuppoſe you have collected, to be the ſecond part of the "*rights of Man*, written by that Gentleman who ſtates himſelf to be "*Secretary for foreign affairs to Congreſs in the American War, and Author of common Senſe.*" that when that had run through ſeveral rapid editions at a high price, it was found that, in order to

ac-

accommodate it to readers of all claſſes and deſcriptions, to find its way into the moſt humble habitation of the moſt peaceful Subject of this Country, to make the poiſon ſpread and to gratify every palate, the preſs teemed with new editions at a cheap and eaſy rate, and notwithſtanding all the admonitions of the proſecutions that were commenced, all the admonitions of the verdicts of Juries, and all the judgements of neceſſary ſeverity. This Defendant continued ſtill in this Metropolis, in the heart of thoſe convictions, and thoſe judgements, with all of them ſtaring him in the face, ſtill to ſell and to diſtribute this Publication, until the notoriety of his conduct was ſuch, that thoſe, whoſe duty it is, to watch over the public tranquillity, thought themſelves in duty bound to inſtitute this proſecution.

Upon the libel itſelf, it will not be neceſſary to adduce many arguments, for you to pronounce that it is, what it is deſcribed to be, a moſt malignant, ſeditious, inflamatory, and miſchevious Libel. I admit to my learned friend, that if taking this book, and reading the paſſages with its context and with its various parts, you ſhould be of opinion, that upon the whole, it is an innocent fair diſcuſſion of a political ſubject, it will be your duty to acquit the Defendant.—If indeed that argument could be offered to men of common ſenſe, without an outrage upon reaſon, the Author, inſtead of being as he is, ſuffering the judgement of the Law, an exile, I hope an eternal exile from this happy Country, ought to have been a man acquitted, not condemned.

Let it not be ſaid that the preſs is endangered by this proſecution. That the freedom of the preſs is in danger, becauſe Libels, flagitious and ſeditious as this is, find their way into

Courts

Courts of Juſtice. I ſtate therefore, that if you ſhould be of opinion that this book was written in the fair ſpirit of true political inquiry, I do not deſire, (becauſe thoſe I repreſent have not deſired any body elſe) you to find the Defendant guilty.

Gentlemen, I proceed to ſtate ſome of theſe paſſages, and then you ſhall if you pleaſe, as you go along, judge for yourſelves, in what ſpirit they were publiſhed in this Country. You will look, for certainly you are permitted to do it, at the relative ſituation of other Countries, at the time of the publication, that will aſſiſt you in diſcovering with what views, and with what ſpirit, this Author wrote.

He begins by talking of the Conſtitution of the Country, in that important part, the *executive part of the Government, the Kingly Office*, and *Hereditary Succeſſion*.—Obſerve how he ſpeaks upon that ſubject.—I will give you his own words.

He ſays, "*It cannot be proved by what right hereditary "Government could begin, neither does there exiſt, within the "compaſs of mortal power, a right to eſtabliſh it.*"

Obſerve the reaſoning, and ſee if his reaſoning be founded to what it extends. "*Man has no authority over poſte-"rity in matters of perſonal right, and therefore, no Man, or "body of Men, had, or can have, a right to ſet up Heredi-"tary Government.*"

In plain engliſh and common ſenſe, what does this mean? You Engliſhmen, have, at leaſt to carry it no further back than a century, have been ſubmitting to the folly, to the abſurdity, to the tyranny, and to the deſpotiſm of a form of Government, which has for its foundation and corner

ſtone, *Hereditary Succeſſion.* You have been ſlaves therefore all that period, becauſe, inasmuch as you have not given any conſent to this form of Government, inasmuch as you have not been called upon to give your approbation or diſapprobation, and, as no mortal power could eſtabliſh it, as man has no right over poſterity, and, as no Man or ſet of Men have a right to dictate to you, what Government you ſhall have—What is the argument? that you have been living the ſlaves of deſpotiſm, the ſhackles of which, were forged for you by your Anceſtors. That it is, that this man, vain and abſurd reaſoner as he is, tells you, he tells you all your rights, all your intereſts, all your chances of happineſs, all that is dear and eſtimable in ſociety, have been trampled upon, becauſe thoſe who according to him, had no right to ſay how you ſhould be governed, have ſaid, you ſhall have an hereditary ſucceſſion.

Does the argument end here. If no man, or ſet of men, have any right to enter into ſtipulations for poſterity, how is it that we have any repreſentatives in Parliament? How is it that any part of the Conſtitution ſtands? How is it that we have recieved from our Anceſtors thoſe three branches, the KING, the LORDS, and the COMMONS, of which our admirable Conſtitution is compoſed? They have have handed them down to us, but in the language of this Author, they had no right to do ſo, for no Man, or ſet of Men have a right to ſtipulate for poſterity. It is folly, impudence and uſurpation, that is the argument of this Gentleman.—But perhaps this will be ſaid to be all fair reaſoning, and political diſcuſſion, and only the writing of a man, who thinks the Conſtitution can be a little mended.

He

He goes on to ſay, " *Hereditary ſucceſſion is a burleſque upon* " *Monarchy, it puts it in the moſt ridiculous light.*" Is this fair diſpaſſionate reaſoning. Is this the man who comes here as *Secretary for foreign affairs to America?* Is this Gentleman in the ſpirit of reforming our fooliſh Opinions? " By preſenting it as an office which any child or ideot may fill" Is it ſo? Why if it were, I admit, that it is fair and fit for any man, to ſit down in his cloſet, and ſtate that, by way of argument.—But is that true, or is it not an impudent aſſertion, within the knowledge of the Author falſe, made in order to impoſe upon weak minds. Is the Executive Government of this Country, paſſing in the illuſtrious houſe, in which it is to paſs in ſucceſſion, I hope till the end of time, to be treated in this manner? Is he not telling you, that you are ſubmitting to be governed in an office, which you look to as eſſential to the Conſtitution you admire, but, which is, according to him, like a childs rattle, or the idle nonſenſe of an ideot? Is it not a malicious and ſeditious intent, to rouſe up the diſcontents of the Country? To alarm the people for every thing that is dear and valuable? To make them diſguſted with the King and Kingly Office, and to recommend it to them to get rid of it as ſoon as they can.

Then he goes on, " *It requires ſome talents to be a common* " *Mechanic.*" ſtill addreſſing himſelf with a meanneſs, which I proteſt, one is aſhamed of, to any vulgar mind, under whoſe notice, this book may come. " *But to be a King,* " *requires only the animal figure of man.—A ſort of breathing* " *Automaton.*" Is this the language of fair political diſcuſſion? Is this the reaſoning of a man, who thinks things may be

be mended by political diſcuſſion? or is it not the language of a man, ſneering at all that is dear and valuable to this Country?

He ſays, "*This ſort.*" and if you wanted a commentary upon the reſt of the text, this would furniſh it. "*This "ſort of ſuperſtition.*" What ſuperſtition? the ſuperſtition in which we have been educated, as ſomething we were to look up to as a bleſſing, and which, our maturer judgements have taught us to admire and adore.—Attatchment to Royalty, the corner ſtone of this Country.

"*This ſort of ſuperſtition may laſt a few years more, but it can-*
"*not long reſiſt the awaken'd reaſon and intereſt of Man.*" What is to become of it? Why get rid of it, in conſequence of this writing of mine. in conſequence of my attempts, and thoſe of others who are engaged in this pious labour, to illuminate mankind, to awaken their reaſon, and put them in the right track of inquiry and of *action* too, for I defy any man alive to ſay, that that is not the meaning of the Author of this book.

Is this, I aſk again, calm, deliberate diſcuſſion? Is this what a man writes, deſiring it to go forth into the World, ſaying thus, if my reaſoning is good, adopt it, if it is futile reject it, if it is abſurd, laugh at it? No it is an endeavour to undermine every thing that is eſtimable and uſeful, and to do it in a way that too often ſucceeds, for when you find you cannot attack a man to advantage by argument, you may do ſomething by a ſneer.

"*A Government calling itſelf free, with an hereditary Office,*
"*is like a thorn in the fleſh, that produces a fermentation,*
"*which endeavours to diſcharge it.*"

A Government calling itſelf free.—Let us ſee what that means in plain engliſh, for I invite my learned friend to this mode of reaſoning upon the book, and let him convince you if he can, that this is plain ſober reaſoning, not calculated to do miſchief. "*A Government calling itſelf free!*" You Engliſhmen call yourſelves free.—You ſay you live under a free Government.—You ſay that in this Country every man's liberty is protected, his property ſecure, that he can go about his buſineſs with ſafety, that there is equal law for the poor and for the rich, in one word that you have adopted the CANT of your Anceſtors, and call yourſelves a free people. But in this freedom you have hereditary Government, which is ſo utterly inconſiſtent with freedom, that it "*is like* "*a thorn in the fleſh, which produces a fermentation, which* "*endeavours to diſcharge it.*" What does this mean but, that the hereditary Office of the King of this Country, is to be got rid of by a fermentation? What is the argument? You who boaſt that you are free, and wiſh to be free, and have ſet the world a madding after your freedom, if you would reſtore yourſelves to that envied character, or aſſert it if you never had it before, get rid of your hereditary ſucceſſion, it is a thorn that is ſtuck into your fleſh, ſet about the fermentation. "FERMENTATION," was not an accidental word; let this book engender the fermentation, and then you may throw out this thorn.

Gentlemen, Is this the art of an advocate? Is it not the plain common ſenſe of this paſſage? I proteſt I never have tried what the ſenſe of this book was in the way I do now, and I choſe to truſt to the impreſſion which they would make upon my mind upon this occaſion.

Then

Then he goes on, "*The Hereditary Syſtem therefore, is as "repugnant to human wiſdom as it is to human rights.*" What, is it repugnant to human wiſdom? What is that but telling us that we are the moſt egregious fools that ever lived? that with all the lights that reaſon holds forth to us, and the inſtruction theſe Gentlemen are ſo good as to give us, we ſtill go on prefering Folly to Wiſdom, Slavery to Freedom.

You go on adopting an Hereditary Syſtem, which is as repugnant to human wiſdom, as to ſomething elſe I am coming to. But as if this was not enough, as becauſe men if they are fools, will be likely to continue ſo, our Author is to addreſs us upon another point, and influence us by other conſiderations.—It is repugnant too to human rights. What is this argument again? Your rights, as long as you have had this hereditary Suceſſion, have been invaded, becauſe hereditary ſucceſſion is repugnant to human rights. You fooliſh Engliſhmen have believed you were happy and free, but I tell you, you are neither happy nor free, you are not acting conſiſtent either with wiſdom or with rights, becauſe you are fools enough to ſubmit to hereditary ſucceſſion. How are you to mend that? get rid of it, become wiſe, become free, become valuable, but you can only do this by getting rid of it.

He proceeds, "*And is as abſurd as it is unjuſt*" Is this the language of a Politician in his cloſet, writing in the ſpirit of a LOCKE or a SIDNEY for future days? Why it is telling you that it is not only abſurd, and therefore to be got rid of, but it is unjuſt, what is the plain engliſh of that? why, that the King who ſits upon the throne is an Uſurper.

Then he ſays, ſtill I think in language which may teach you the ſpirit in which the author wrote. "*Whether I have*

"*too*

" too little ſenſe to ſee, or too much to be impoſed upon; whe-
" ther I have too much or too little pride, or of any thing elſe
" I leave out of the queſtion: but certain it is, that what is
" called Monarchy, always appears to me a filly contemptible
" thing."

Does it ſo indeed? that thing which you have fancied the moment it was deſtroyed, deſtroyed the Conſtitution under which you live.—That thing which having *loſt* by uſurpation during a ſmall period of the hiſtory of your Country, you were eager to have reſtored to you, feeling that you could not do without it.—That thing always appeared to this Author to be a ſilly, contemptible thing. Is this a cool, calm, political Writer? No, ſuch a perſon would have ſpoke in this manner,——" If you examine what Monarchy has been " in any ages of the World, you will find perhaps that con- " ſidered by itſelf it has its objections, but, with a little at- " tention employed to meliorate the ſtate of the Parliamenta- " ry Repreſentation in this Country, perhaps, ſuch a thing " might be ſpared." And then might have proceeded with a fair candid courſe of reaſoning.—But he goes on to ſay, what ſort of contemptible thing it is, and he tells you what he compares it to.

" I compare it to ſomething kept behind a curtain, about
" which there is a great deal of buſtle and fuſs and a wonder-
" ful air of ſeeming ſolemnity.

The Author has travelled into a very unfortunate Country to make this Obſervation. It is the amiable characteriſtic of of the Monarchy of England, that it is the reverſe of that character. *" but when by any accident the curtain happens*
" to be open, and the Company ſee what it is, they burſt into
" Laughter.

What

What is this then, from which, accident is to remove the curtain, to expoſe to the view of the people of this Country and excite their laughter? it is nothing leſs than the Monarchy of England, that which this man invites you by accident.—I believe he would have liked it much better to have been done without accident. To draw the curtain that you might treat it as the pitiful, contemptible thing he always thought it.

This man does not leave a great deal for Counſel to do, to explain his text, he takes the Bull by the Horns, he goes on, "*That Monarchy is all a bubble, a mere court artifice.*"—ſetting up Monarchy as ſomething, which, according to this man, might be indicted under the ſtatute for falſe pretences, —"*A mere court artifice to procure money, is evident, (at leaſt "to me) in every character in which it can be viewed.*"

Wherever I look at Monarahy, whether I look at it as ſomething grounded in the wiſdom—no he would ſay the folly of our Anceſtors, for preventing the numerous inconcieveable, and devaſting conſequences of elective Monarchy.—Whether I look at it as ſomething that is to attatch to it the reſpect of ſurrounding Nations —In whatever character I view it, it looks like a trick to get money out of the pockets of the people.

Are the people of this Country diſpoſed to go along with the Author in this obſervation? No, it is upon much better and nobler principles we contribute to the neceſſities of the State, It is becauſe we know we cannot be ſafe nor free but at the expence which muſt neceſſarily attend all Government, in all Countries.

He

He ſays, " *It can only be by blinding the underſtanding of man* " *and making him believe that Government is ſome wonderful* " *myſterious thing, that exceſſive revenues are obtained. Mo-* " *narchy is well calculated to inſure this end.*"—What end? picking the pockets of the people by blinding their underſtanding, " *It is the Popery of Government.*" Now mark the art of this, would any man ſitting down in a ſpirit of fair diſpaſſionate inquiry about Government, attack the mind of an Engliſhman, by likening his Hereditary Succeſſion to a Popery, which he knows he deteſts. " *A thing kept up to* " *amuſe the ignorant, and quiet them into Taxes.*" If it be ſo, undoubtedly it is high time there were an end of it. If any man could perſuade us, that that limited, well balanced Monarchy, that we have had the pleaſure to live under, merited this deſcription, we ſhould be Traitors to ourſelves and all poſterity, if we did not immediately ſet about getting rid of it.

My Friend ſhall have my free conſent to read the whole of the book and you may judge by the context.

But I ought perhaps to apologiſe for having taken up ſo much time upon ſuch a ſubject, becauſe I have not only the opinion of learned Lawyers what this is, but I have, what ſpeaking without intending any offence to the learned Judge who preſides upon the preſent Occaſion. I have what is of infinitely greater importance than the opinions of learned Lawyers. I have the concurring ſentiment, (I believe I may venture to ſay) of every honeſt Man, in his Majeſty's Dominions, upon the queſtion you have to decide, I have the opinion of various Juries, concurring without any man's having for a ſingle moment entertained a doubt that the ſpirit

the Author of this book was indeed to unite *practice with principle*, to unite a dangerous, a deſtructive, a King killing practice, with the pernicious principles of his book.

Shall I believe that you will diſgrace yourſelves and the place you are, by differing from all men of common ſenſe and underſtanding upon this book? Shall I believe, any thing can for a moment divert honeſt and ſenſible Men, like you, from that courſe, which it is your duty to take.

The preſent Defendant having the examples of theſe Convictions, ſtaring him in the face, and knowing that the guilty Author of this Book, was liable to puniſhment upon his Conviction, has taken the riſque upon himſelf, he has choſen to make it the ſubject of Merchandize, and ſold it publickly in his Shop. Shall we have any arguments addreſſed to you, to mark a diſtinction between the Author and the *Seller* of the Book, I can only ſuppoſe we may, becauſe I proteſt it ſeems to me to be extremely difficult to defend the Defendant, and therefore, I am to expect, that all that ingenuity can ſuggeſt, will be ſuggeſted, when a caſe will not afford good arguments, he muſt put up with indifferent ones, and when they are but ſcarce, he muſt ſometimes have recource to bad. So that upon this occaſion, you poſſibly may have all three, good, bad, and indifferent. In the claſs of bad, I think ſtands the argument I am about to ſtate to you, all this may be true, as applicable to the Author, the book itſelf may be flagitious in the extreme, the greateſt talents that ever ſtood up to addreſs a Jury, have laboured in vain upon this, but it will be better to ſay at once, Traitor Paine is, he will not trouble us any more, and therefore turn your backs upon him, and conſider the caſe of the poor Defendant, who is only a poor Bookſeller, a man who ſells this for his bread..

Will that be ſaid? I will tell you what I ſhould be diſpoſed to ſay in anſwer to it, if I were a Jury-Man, Why Mr. Bookſeller

you

you deal in a very dangerous commodity, if you will make a merchandize of poiſon to poiſon the deareſt intereſts of the Public, you muſt anſwer for it. I will take the liberty of ſaying more. It happened to ſomebody to write, not as Mr. Paine has done, in the aggregate againſt every thing that is dear and valuable, but only to attack the ſacred religion of the Country, but he had not quite brought himſelf up to the publiſhing, ſo he left it to his Executor with a Legacy to publiſh it after his death.—It was ſaid upon that occaſion, that one Scoundrel had charged a muſket to its muzzle againſt the intereſts of Society, but he was too great a coward to pull the trigger, and he left another Scoundrel Half a Crown to do it for him. It ſeems to me the condition of a Bookſeller in this caſe is ſomething like that of the Executor,

Mr. Paine ſhall have my conſent to ſit down and write 'till his eyes drop out and his heart aches: provided he cannot find any body to publiſh it, but it is by means of perſons like the Defendant, giving vent to publications like the preſent, that injury has been done to Society.

Gentlemen, I ſhall prove that this Pamphlet was ſold at his ſhop, for a price, no matter by whom. I know that if ever there is an argument that is likely to ſucceed, if ever there is a topic that is likely to be addreſſed to Gentlemen in your ſituation, it is that which is to find its way to the heart and to the compaſſionate feelings of thoſe, to whom it is to be addreſſed, and therefore, I take it to be granted, my learned Friend will tell you, it would be hard to convict the Defendant, ſince this Book was ſold not by him, but by his Wife. I ſhould be the laſt perſon who would be ſuppoſed to viſit upon the fair ſex any of their offences, but, to ſpeak gravely, does that furniſh any argument at all, I admit now, and I give my Friend the opportunity if he will ſhew that the wife of the Defendant,

againſt remonſtrances on his part, without his knowledge, or againſt his conſent, procured and vended them, I ſhall riſque none of the diſpleaſure of any of thoſe who are employed in guarding the intereſts of the Public, by ſaying I would abandon the Proſecution.

But if, on the other hand, a man is to be permitted to load his muſket to the muzzle, againſt the intereſts of Society, and to go from home to leave a timid woman to pull the trigger, he muſt pay for the miſchief he does to Society.

You are now in a newly aſcertained ſituation, to perſons of your deſcription, charged to inquire not only upon the fact of the Publication, but upon the criminal intent with which it was publiſhed.

I could ſay, I never read Mr. Paine's two books through, would it be ſaid as an excuſe for me, if I had ſent theſe by thouſands in a pack ge into all the Market Towns in this Kingdom, I never read the book, but I ſent them down and they fell into the hands of a great many people who having leſs to do, I dare ſay, did read them. Still leſs would it be an excuſe for me, if with all the warnings I have mentioned, ſtaring me in the face, I had done this act.

I am obliged to my friend Mr. Fielding, for ſuggeſting to me an obſervation, It may happen now and then, that a man does not know what has been paſſing in Courts of Juſtice, but the Author of this, when he had the goodneſs to furniſh the world with a cheap Edition, had the goodneſs to tell all his Publiſhers that he was under Proſecution, but then in an appendix he ridicules the abſurdity of Proſecutions like this.

EVIDENCE FOR THE CROWN.

CHARLES HUMPHRIES, Sworn.

Examined by Mr. FIELDING.

Q. Do you know the defendant, Daniel Iſaac Eaton.

A. I ſaw him at his houſe in Biſhopſgate Street.

Q. When was it.

A. I think it was the latter end of January, or the beginning of February.—I bought ſome books at that time.

Q. Did you buy the book in queſtion.

A. I did not buy this.

Mr. GURNEY. Don't let us hear any thing reſpecting other books.

HUMPHRIES, I bought this book there before that.

Mr. FIELDING, What is it?

A. It is the Rights of Man, part the ſecond.

Q. Had you ever ſeen him in the ſhop before you bought it.

A. I had—The day I went into the ſhop when he was there, I aſked him for ſome of Mr. Paines publications, he heſitated at ſelling it, but after ſome converſation, he ſold me them.

Mr. GURNEY, Confine yourſelf to the Rights of Man.

HUMPHRIES, I told him I had bought the Rights of Man before, and his Wife I believe, a woman I conceived to be his Wife, ſaid ſhe had ſold the Gentleman the Rights of Man, with ſome other of Mr. Paines works a little while ago.—I think he ſaid, "Did ſhe" and after that he let me have the other books.

Mr. GURNEY, On what day did you purchaſe the Rights of Man.

A. The 17th. of Jannuary.

Mr.

Mr. VAUGHAN, Counſel for the Defendant

Gentlemen of the Jury,

I am of Counſel for Mr. Eaton, the defendant to this Indictment, and after the long, and ſkilful, and eloquent Addreſs, which has been made to you on the part of the Proſecution, I own, that it is not without great embarraſſment that I riſe in diſcharge of that Duty. For it has pleaſed Mr. Eaton to commit the conduct of his defence to a perſon ſo different from that which has been repreſented to you, that I declare, without any affectation of modeſty, you will hear nothing to day on behalf of this Defendant, but what has ſuggeſted itſelf to a man of very inconſiderable talents, and of abſolutely no experience,

Gentlemen, It has been ſaid, that you are to be ſpoken to by me, with eloquence, and ingenuity, and all poſſible contrivance, where *Mr. Garrow*, or any man could have collected this, I am at a loſs to diſcover, and for this plain reaſon, that the preſent is the firſt occaſion I ever had, of defending any man by addreſſing a Jury, in this, or any Court whatever, how then it ſhould happen, that even in the outſet of his ſpeech, the learned Gentleman ſhould load his adverſary with ſuch encomiums, I ſhould be at I loſs to find out, did I not know he muſt be aware of the defence we have to lay before you, and which, all his ingenuity, all his rhetoric, and all his experience ſhould not ſo far cry down this Day, but what I ſhall find in you, a Jury ſuch as he has deſcribed, *viz*, A Jury of Honeſty and Independance who are therefore prepared to give an Independant Verdict.

Gen-

Gentlemen, I truſt that ſuch a Verdict will be, becauſe, I hope to prove that it ought to be a Verdict of acquittal. I am perſuaded that ſuch a Verdict only can be juſt in the circumſtances of this Caſe, and, that when given, it will be univerſally approved by every man of common ſenſe, and generally applauded by the People of England.

Such are my hopes, and perhaps they are the ſanguine hopes of inexperience, or inability. But if the merits of the reſpective advocates are to be the direction of your Judgement to day, what hope am I to entertain? for what am I to look? what is to become of us? what is to become of our Lives, of our Liberties, and our Poſſeſſions, ſhould the underſtandings of Jury Men be carried away and overwhelmed by the torrents of rhetoric, brought down upon them, in every State Proſecution.

Gentlemen, I have too great a regard for that Conſtitution, which has been ſo much the ſubject of the learned Counſel's panegyric, to believe that the greateſt and moſt important of its eſtabliſhments, is become ſo defective.

Mr. Garrow, has diſcovered a great deal of ingenuity, in anticipating the modes of defence, which he imagined I might ſet up, on this Occaſion, and if we were driven ſo hard, it is poſſible you might hear from me much unneceſſary declamation reſpecting the manner in which this pamphlet was ſold, and its having been purchaſed of the Defendant's Wife, who was by this means obtaining a livelihood for herſelf, her huſband, and her family, But *Gentlemen*, we are not driven to any ſuch Expedients, we know that theſe are no Juſtifications. By the Engliſh Law every man is accountable for the conduct of his Family, and others who ſhall be employed by him in way of Trade. Such a defence would be no ſooner made, than refuted. Why then ſhould we have recourſe to it, when we have a

legal

legal and ſubſtantial Juſtification? When I can build my houſe upon a Rock, I will not conſent to lay its foundation in the Sand.

Now *Gentlemen*, will you hear much from me in the way the learned Counſel has ſuppoſed, on a ſubject moſt important, I admit in itſelf, and in its effects, I mean the Liberty of the Preſs. You will not ſuſpect me of contending for that Licenſe of the Preſs, which is neither more nor leſs than an abuſe of this Liberty. But I do not forget that I am ſtanding before twelve of my Country-men, who cannot be ignorant of the moſt valuable priviledge of a free People. I ſhould think it an inſult to your underſtandings, were I to inſiſt on the excellence of that, which has created and preſerved to us the advantages we ſtill enjoy, and, which I truſt will be our protection againſt all who ſhall invade them. The Liberty of the Preſs, is that, without which, there is an end to our political Exiſtence. It is like the air that we breathe, if we have it not we die.

Certain, however it is, that the liberty of Printing, has, in this Country ſuffered no ſmall Oppoſition, and that, in quarters from whence it might leaſt have been expected. It is not yet two years, ſince Jury-men were gravely told, in our Courts of Juſtice, that although they were, by their Verdict, to find Perſons accuſed of Libel, either Guilty, or Not Guilty, ſtill to enquire into the guilt of the Publication itſelf, or into the intention of the Publiſher, was no part of their buſineſs. So that all the Jury had to do, was to find the innuendoes and the fact of publiſhing, which, if found, brought with it, a Verdict of Guilty, any thing farther being out of their Juriſdiction.

But *Gentlemen*, give me leave to draw your attention, to that Juriſdiction, which you are now acknowledged to poſſeſs in proſecutions for Libel. Fortunately for this Defendant, and for us all, you are at this day no longer in the abſurd and contradictory ſituation,

in

in which you might have ſtood, according to the Doctrines of two years ago. You are now to judge of the whole guilt or innocence in the Publication, and of thoſe connnected with it, and for the Juriſdiction thus aſſured to you, we are indebted to one of the ableſt, the moſt eloquent, and as this circumſtance has proved, one of the moſt honeſt advocates, that ever diſtinguiſhed themſelves in this Country. We are indebted to the honourable *Mr. Erſkine*, (and I do not uſe the epithet in its ariſtocratic ſenſe) for the act of Parliament, which ſays, that doubts having ariſen, as to the powers of Juries, in matters of Libel, it is enacted, "That on every ſuch Trial, "the Jury ſworn to try the iſſue, may give a general Verdict of "Guilty, or not Guilty upon the whole matter put in iſſue, &c.

Now *Gentlemen*, what is the matter put in iſſue? why it is that the Defendant is the Publiſher of this Book, that the Book contains "ſcandalous, ſeditious, and malicious matters, of and concerning, "*the hereditary Succeſſion to the Crown and regal Government* "*of this Kingdom.*" and that all this was done by the Defendant, "unlawfully, wickedly, malicioufly and ſeditiouſly."

The Witneſs has proved the Defendant's Wife ſelling it to him on the ſeventeenth of January laſt, ſo that the Queſtions remaining for you to try, are

Firſt, Whether the paſſages ſelected, contain in them, matter illegal, ſcandalous, and ſo forth.

Second, Whether the Defendant publiſhed them with a malicious intention, in order to produce an evil effect upon the Country.

And third, Whether they bear the innuendoes or meanings affixed to them by this Indictment.

Gentlemen, There is not one of theſe points which I ſhall not diſpute to day. I ſhall contend that not one of theſe paſſages, nor any

part of the chapter from which they are taken, is either ſcandalous or illegal. And I will ſay, that the whole of it is ſuch, as may be publiſhed without any breach of the Law, without any malicious Intention, or evil effect upon the public mind.

I ſhall contend, that none of the paſſages of the chapter, from whence they are taken, are illegal; nor is the chapter itſelf any thing of the kind. If the paſſages were calculated to introduce Anarchy, if that was to be collected from them, undoubtedly it would not be for me to contend upon them *alone*, that the Defendant was innocent. But I aſſert, that there is not one which may not be defended, for I deny, that any one of them applies to the King, the Government, or the Conſtitution of this Country. Examine them by the only teſt which you ought to Judge by, *viz.* by the context of the whole, comparing other parts of the chapter with thoſe complained of, and I am perſwaded, that it is impoſſible that this Indictment ſhould ſtand as a criminal charge after ſuch examination.

I contend, moreover, upon the Law, as laid down by the late EARL OF MANSFIELD, that ſuppoſing the paſſages were in themſelves of this criminal character, ſo that no man could doubt of the deſign of the Author, inasmuch as they contained in themſelves an overt act of ſedition, &c. ſtill in this caſe, there is ſufficient evidence to reſiſt that concluſion, by proving that the Defendant thought there was nothing illegal, nothing improper, nothing but what was innocent in this publication.

So that I ſhall defend this cauſe upon three grounds; *Firſt*, upon the univerſally admitted right of general diſcuſſion, which would be invaded if this Proſecution were followed up by a Conviction.

Secondly, Upon the ground of the intentionwith which the Defendant publiſhed.

And

And laſtly, That not one of theſe paſſages apply to the Engliſh Government or Conſtitution, according to the innuendoes of the Indictment.

Now *Gentlemen*, conſider the ſtructure and context of this Book, Conſider alſo, that there are certain prejudices which have been moſt artfully and ſome moſt criminally raiſed againſt it, and againſt all ranks and deſcriptions of Men, who ſhould dare to think, ſpeak, or write upon the liberties of their Country, and the common intereſts of their ſpeices. Remember by what means they have been extended through every town in England by thoſe Aſſociations or rather Inquiſitions, which perſons, intereſted in the ſupport of public abuſes, have thought it good to eſtabliſh. What has been the conſequence of this? why that numbers of unhappy Individuals have ſuffered the moſt injurious Proſecutions, that many have been ruined in their private Property; that others have ſuffered the ſeverity of public Puniſhment, from their fears of provoking it, by a defence of themſelves before a Jury of their Country. And thus it is, that two unhappy Printers have pleaded Guilty to the ſame Indictment with the preſent, and are now groaning in the Dungeon before you, in conſequence of that ſubmiſſion.

And yet it has been ſaid, that the defendant Eaton, publiſhed this book in the face of Proſecutions and Convictions on account of it.—Gentlemen, as an advocate, I am entitled to deny, and you as Jurymen are bound to diſbeleve that there were any ſuch Convictions. Are they in evidence before you? if there were—Do you know that the paſſages then in queſtion were the ſame as thoſe now in queſtion? And ſuppoſing there had been ſuch Convictions, have there been no acquittals upon the book? for inſtance, was there no acquittal at Warwick or elſewhere throughout the Kingdom. But taking all this as ſtated by the learned Gentleman, what does it prove more than this, that there are now ſo many miſerable Men in his Majeſty's Priſons, whoſe Families are deprived of their ſupport, while themſelves are conſigned to wretchedneſs and ruin.

But *Gentlemen*, I beg your pardon. It is not my intention to trouble you with declamation, and therefore I reſtrain myſelf on this topic. I am not deſirous of provoking your feelings of humanity, when I have arguments of juſtice to lay before you.

Let us now particularly examine the principles of the book, and the paſſages ſelected from it, by the Indictment, what is its profeſſed object as expreſſed in the Title? it is a pretty general one, "*Rights* "*of Man, combining Principle with Practice.*" The Rights of Man indeed, we have been told by a certain apoſtate Patriot, are very contemptible things. Philoſophy Light and the Rights of Man are all in his eſtimation, of the ſame value, that is, are all of them fit Objects of our contempt. But You and I who have ſomething to loſe, when thoſe rights are taken from us, will be apt to look at them more ſeriouſly.

But it is ſaid the principles laid down in this book, tend to diſſolve all order in Society, to deſtroy juſt obedience to the Laws, and that this was the deſign of the Author. Has the event been ſo? what Riots, what Confuſion has taken place ſince it was publiſhed? There have indeed have been Riots at two places, *viz.* at Birmingham and at Mancheſter, but were they conducted on any principles like the Rights of Man, or upon any other than thoſe of Bigotry and Perſecution? Look to the Preface and let that ſpeak for him. I will not read the paſſage; but it is in ſubſtance, "that however it might "be good to detect the errors of a bad Law, and to expoſe its defects "ſtill that it is proper and expedient to obey it, while it exiſts, for "fear that reſiſtance ſhould weaken the force of good ones. Will it from this be contended, that Mr. Paine meant reſiſtance and rebellion to Law and good Government? The whole ſcope of his book, is to give opinions, is ſpeculation which may, or may not be adopted in practice, as ſhall be thought juſt and proper. Is there any Title

to any chapter in Mr. LOCKE's eſſay, or in any other book on Government, more abſtract, more ſpeculative than thoſe of all theſe Chapters of this book on the Rights of Man? Look to them. What are they?

Firſt, Of Society and Civilization.

Second, Of the origin of the preſent old Governments.

Third, Of the new and old Syſtems of Governments.

Fourth, Of Conſtitutions.

And fifth, Ways and means of reforming the political condition of Europe.

Out of theſe, the Indictment has taken certain extracts from chapter the third, which is a general diſcuſſion on the comparative advantages of Hereditary and Repreſentative Government. When it is ſaid, that the whole of this chapter conſiſts of inſtigation to Anarchy and Confuſion, it is but fair to ſtate, all ſuch paſſages as are relevant to the ſubject in queſtion, and not ſingly thoſe of the Indictment. As to the latter, I admit, that they contain Satyr and Invective, I care not what, on a certain form of Government, which this Man has in his head, and which he conceived to be miſchevious. I mean abſolute Monarchy and indefeaſible Hereditary Succeſſion.

But *Gentlemen*, Mr. Garrow, has conceived and taken it for granted in all his obſervations, that the Author meant the Engliſh Government, and that alone, which is begging the whole queſtion in iſſue. Now the fair way to judge of a Writer's meaning, is, by comparing the whole context, and ſeeing how the one part of his book conforms to the reſt of it. If ſo, what is the definition given by Mr. Paine himſelf, both of a Republic, and of a Monarchy in this very chapter? It is as follows,

"*What*

" *What is called a* REPUBLIC *is not any particular form of* " *Government. It is wholly characteriſtical of the purport,* " *matter or object for which Government ought to be inſtituted,* " *and on which it ought to be employed,* RES PUBLICA, *the* " *public affairs, or the public good, or literally tranſlated, the* " *public thing.*"

Undoubtedly this man had not a learned Education, but he always contrives to know the meaning of the terms he uſes, being well aware that the ideas depend materially on the language in which they are conveyed. But what is his definition of Monarchy? " It " is ſays he a word of baſe original ſignification. *It means an ar-* " *bitary power in the hands of an individual perſon, in the exerciſe* " *of which* HIMSELF, *and not the* RES PUBICA *is the object.* Let me aſk you, let me aſk any Man, whether this is, or not, the nature of the Engliſh Conſtitution, Surely no! the Government of this Country is, I truſt of a very oppoſite deſcription. It is a Government of Liberty, a Government of Beneficence, very different (I hope) from that abominable Syſtem, here repreſented.

In the conſideration of this chapter, I am not at all afraid of that thorny paſſage, about which we have heard to day, and thorny I am perſwaded they will find it, when they attempt to turn it againſt the preſent Defendant.

But ſays Mr. Garrow, in great triumph, this is ſaid of a Government calling itſelf free, and therefore, the Hereditary Office in ſuch a Government, muſt mean England, and our Government. In common fairneſs, read the ſentence preceeding this, and you will find that it applies entirely to the Stadtholderſhip of Holland, an Hereditary Office, which, as we all know cauſed ſo many diſturbances in that Republic. As to us the ſubjects of England, it is above a century

tury ſince the thorn has been extracted from the frame of our Conſtitution. Previous to the Revolution, we lived under the pain and inflamation which it occaſioned, thank Heaven, and the courage of our Anceſtors, the fermentation which it produced has left us with proviſions to prevent a reccurrence of the ſame evils, or the ſame remedies.

It is true, indeed that ſince that time, two attacks have been made on the ſettlement of Executive Government, as by Law eſtabliſhed. In 1715 and 1745, The Pretender aided by a Foreign Power, invaded this Country, with this ſame chapter of Hereditary Succeſſion in his hand, which is almoſt word for word, like the innuendoes of this Indictment. They were in both inſtances, repulſed and driven out with ſhame and contempt for their their portions. Yet after this Defeat, what was the conduct of the People of England. The Chiefs alone of that Rebellion were puniſhed. They made an example of the Rats, who would have undermined the Houſe, and they left the Mice to go where they would. There were not I believe, ſuch numerous, nor vexatious perſecutions as have taken place about this little book, called the Rights of Man. The mildneſs and generoſity of that Day ſuffered but few ſacrafices at the Altar of vindictive Juſtice. And yet it ſhould ſeem, that thoſe who invaded the promulgated will of a free People and the Rights of Man, as eſtabliſhed in England, did deſerve, for the benefit of the Nation and Poſterity, very ſignal Puniſhments indeed.

Gentlemen, If theſe conſiderations are not together with thoſe contained in the reſt of the Indictment of the moſt ſpeculative kind, I ſhould be glad to know whether Mr. LOCKE's Eſſay is to have that or what other Character. In fact, this whole chapter is profeſſedly written, as you may obſerve in the beginning of it, in reply to the ABBEY SIEYES, a French Author, with whom, Mr. PAINE had a

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Literary conteſt on theſe ſubjects. I ſhall therefore trouble you with no farther commentary on this head, but requeſt your attention to the Authority I have already alluded to.

Gentlemen, In Sir JAMES BURROUGH's Reports, in the caſe of the KING *v* WOODFALL, for printing the celebrated *Letter of Junius*, LORD MANSFIELD lays down this Doctrine, which I will give you in his own words. "There may be caſes, where the fact pro-"ved as a publication may be juſtified or excuſed, as lawful or inno-"cent. For, no fact which is not criminal, in caſe the paper be a-"Libel, can amount to a Publication of which a Defendant ought "to be found Guilty."

In purſuance of this opinion, it is clear, that if the Printers and Publiſhers of this book have done any act, which may prove ſatisfactorily to you, the innocence of their intentions, then you are bound to conſider this charge as groundleſs, for there can exiſt no crime in our Law, where there is no criminality of intention.

You will obſerve, Gentlemen, that the Book in evidence purports to be a ſecond edition of the work intitled "*Rights of Man.*" At the time of its being publiſhed, Mr. Paine was under Proſecution, but for what? for any thing contained in the book before you? not at all. The Bookſellers contracting with him for the reprinting his work, knowing it was proſecuted by the Attorney General, refuſed to print it, unleſs the paſſages contained in Mr. Attorney's Information, were ſtruck out from the book. They reaſoned thus; this is a matter of great public expectation; the Attorney General has undoubtedly inſerted in his charge, all that is criminal, for in ſuch circumſtances, nothing ſurely would be omitted. We will bow to ſo high an Authority, we will print nothing but what is innocent, which we conceive the remainder of this Book to be. Examine this book Gentlemen

tlemen, and you will find that there is no reflection on the Houſe of Orange, or the Houſe of Hanover, or the Revolution, for which Mr. Paine was proſecuted. On the contrary, you will perceive in the Notes of it, where theſe Paragraphs are omitted: Why then I put it fairly to you, do you in your conſciences believe, that theſe Men, or any of them, could do this *unlawfully*, *ſeditiouſly*, and ſo forth, in the manner as charged by the Indictment, and as you are bound to find by your Verdict, if not, I contend, that you are bound to find the Defendant, Not Guilty.

One word more, Gentlemen, and I have done. The innuendoes of this Indictment alledge, that theſe paſſages are of and concerning the *Monarchy* of this Kingdom. Gentlemen, excluſive of the definition of this term, as given by the Author, I inſiſt that it has no legal application in this caſe. However, it muſt be owned, that there are prejudices in men's minds which favour an opinion, that Monarchy is an eſſential part of the Engliſh Conſtitution. Theſe ariſe from the reading of certain popular Treatiſes, which are very pretty, and very amuſing, but which contain in them very incorrect and ill digeſted notions. It is not in the Eſſays of Foreigners nor in the light eaſy Lectures read before the Students of our Univerſities, that we are to look for the Conſtitution of the Country, but in the Laws and in the Hiſtory of the country.

But, Gentlemen, people have thought proper, for the ſake of writing books, to ſit down to the ſtudy of the Conſtitution. Finding it compoſed, as it undoubtedly is, of King, Lords, and Commons, they being men of learning, and intimately acquainted with the Greek language, have concluded that this is a mixture of Monarchy, Ariſtocracy, and Democracy, according to the Greek accounts of thoſe Governments: With theſe materials they begin to compoſe an Engliſh Conſtitution, much in the ſame way as a good Engliſh houſe-

wife would compoſe a good Engliſh pudding — but theſe Writers are not to be the rulers of our judgements. The Indictment ſtates, that theſe obſervations are written and publiſhed ſeditiouſly and *unlawfully*. Now I aſk in what *Law* it is, whether in the *Common Law* or the *Statute Law* that you find the term Monarchy? Where do you find, in ſubſtance, any thing like the Monarchy deſcribed in this book, which is the true and literal ſignification of the word?

Gentlemen, there is, in the Engliſh Law, no ſuch thing. The Engliſh Conſtitution knows no ſuch thing as an arbitrary power in the hands of any one individual, as diſtinguiſhed from the intereſt of the community.

Gentlemen, let us not confound the title of a Sovereign, governing by the free conſent of a free people, with that of a mere Monarchy. The one is the nobleſt title our gracious Sovereign can wear; the other is directly the reverſe. There is but one thing in which arbitrary power is obſervable, and that is in the *Law*. The Law is the only Monarch of this country. And I have the higheſt authority, that of its great Oracle and Luminary, LORD COKE, for ſaying, that the KING is the ſubject of that Law, while he is the firſt and principal Magiſtrate of the nation.

Is this a title gained by fraud, or by force, or by intrigue, or by conqueſt, like that of almoſt all the Monarchies in Europe? — Neither. It is the reſult of an Act of Parliament, under which, about a century ſince, this Nation did elect a King, and ſaid this, with reſpect to the future ſucceſſion — Firſt, it ſhall be limited to King William and her gracious Majeſty Queen Mary, and their Iſſue; then to the Lady Anne (afterwards Queen Anne) and her Iſſue; and there was a further proviſion, that in caſe Queen Anne ſhould die before King William, without iſſue, then, that the heirs of King William, by any other woman that he might marry.

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ſhould become the lawful ſucceſſors. But it did not end here. In 1700 the Duke of Glouceſter, ſon to Queen Anne, died; upon which the then Parliament provided further for the excluſion of the Houſe of Stuart, and introduced the ſucceſſion of the Family of Hanover, the whole being *conditional*? any perſon whatſoever, being a Papiſt, or marrying a Papiſt, being himſelf and his heirs for ever excluded.

But again, this latter act determines, that ſhould any man call in queſtion the power, which the Parliament has, to alter the Succeſſion, he ſhall be guilty of High Treaſon, if that opinion is in writing; and ſhall incur the penalties of a Præmunire, if by adviſed ſpeaking.

Now I aſk, in what part of all this do you find abſolute Monarchy or abſolute Hereditary Succeſſion, according to the Innuendoes of this Indictment, for the Conſtitution and Government of England? Do we not ſee directly the contrary? Did not the Parliament ſay, "We will not be governed by the Houſe of Stuart; we "will drive them out, and chooſe a new race in their ſtead, by "whom we will be governed; but to whom we will give certain "conditions and limitations for the rule of their conduct. And "ſhould any one come, and diſpute our authority to alter the Suc-"ceſſion, and to make it conditional, let him ſtand by the conſe-"quences. He ſhall incur the penalties we have provided?"

Put all theſe circumſtances together, and let them tell us how theſe Innuendoes make out the Monarchy and Hereditary Succeſſion to the Crown of theſe Kingdoms *(when they put thoſe words abſolutely and alone, without qualification or condition,)* as being things ſo ſacred. I ſay, that neither the Author's definition, nor the Law of England, warrants their being ſo uſed and referred to the Engliſh Conſtitution; which I ſay any Writer is protecting,

when he ſhall philipicize or ſatyrize this ſpecies of Hereditary Right and of Hereditary Monarchy. He is, in effect, making a defence of its principles, by deſtroying thoſe of an oppoſite kind, and conferring the greateſt benefit on his country.

Gentlemen, I have now concluded my argument on this caſe. Let me intreat you to make ſome little allowance for the length of it, on account of the fate which may attend this Defendant, and the thouſands of people, who may be ſubject to the ſame charge with that now brought againſt him, for the publication of the Rights of Man. Let me intreat of you to diſmiſs from your minds any prejudices you may have imbibed againſt its Author, of whom I am led to acquaint you with an anecdote, diſproving much that has been ſaid againſt him; for I am credibly informed, that it is now ſeveral years that he has maintained an old and decrepid relation, at Thetford, the place of his birth. This relation, hearing the ſevere things reported againſt him, ſaid, he was the beſt man in the world, and would have been thought ſo univerſally, if he had never been able, to write. And it may in the ſame manner be ſaid of many perſons that it would have been well if they had been unable to read, as they may afterwards be proſecuted for lending, or otherwiſe publiſhing, this book; for I know of no Benefit of Clergy extending to them in caſesof Libel.

The preſent cauſe is to bring with it very ſerious conſequences.—conſider how many thouſand copies of this book have been in circulation; conſider how ſlight a proof is requiſite to convict a man of being a Publiſher; for the Law differs, as to evidence in libel, from that of other ſubjects, being entirely the offſpring of that Monſter the Star Chamber. Every man, who lends, or carries, or leaves a book upon his table, ſo as another may read it, is, by able proſecutors made out to be a publiſher. I do not know whether you

have

have read the Rights of Man, or have it in your poſſeſſion; but are you ſure you never lent a political pamphlet that might ſubject you to a proſecution? I know at leaſt of one perſon in this Court who cannot ſo ſay; but I know my Neighbourhood much too well to mention his name. And I ſhould think it ſomewhat hard, for a man to ſuffer a heavy Fine and Two Years Impriſonment for having left this book upon his table.

Gentlemen, it is for you, by your Verdict, to lay this Queſtion at reſt; for otherwiſe, when, and where, and with whom, is this ſtorm of Informations and Indictments to ceaſe? Is it to finiſh with Mr. Eaton, the preſent Defendant? I wiſh it was; and although I have not an intimate acquaintance with him, I do believe he has ſpirit enough to wiſh ſo likewiſe, provided he were ſure of ſaving the numberleſs victims who are intended to follow him; who are to be taken from their homes and occupations; who are to be torn from the boſoms of their wives and families, dependant upon them and their labour for ſupport; and to meet the ſeverity of Fine and Impriſonment. And all this for what! For having publiſhed a book which they believed to be innocent, and which they might fairly think beneficial to the public intereſt.

Gentlemen, let me aſk of you to conſider whether this foreign, this ancient language of Monarchy; whether this Tory language, of abſolute Hereditary Succeſſion, is ſuch, as being reviled in any book, ſhould bring down upon its Authors and Publiſhers ſhame, diſgrace, miſery, and ruin. That is to be the fate of this man and his family, ſhould you err in the Verdict you have to give. I truſt that will not be the caſe. I am perſuaded, that you will give to this important cauſe every attention and every additional argument that may occur to you, and which may probably have eſcaped me; but above all, that you will not fail to remember the circumſtance

of

of intention, tending ſo greatly to favour that acquittal, which I here ſolemnly claim from you on behalf of this Defendant, becauſe I ſolemnly believe him intitled to it upon this Indictment.

Permit me, laſtly, again to beg you will ſeriouſly reflect upon the conſequences of your Verdict, ſhould it be a Verdict of that harſhneſs and vindictive character called for ſo loudly by the Proſecutors, it will be an apple of Diſcord that you ſhall have thrown amongſt us, the ſeeds of which, ſpreading far and wide, acroſs the land, ſhall cover it with Sorrow, Wretchedneſs, and Deſpair.

There may be parts of this book which are criminal, but I contend they are not the parts appearing on this Indictment. Beſide, it is not quite ſo well that any perſons, who have publiſhed, and, like Mr. Eaton, have done it innocently, ſhould never lay down to reſt without thorns upon their pillows.

Should you bring in a Verdict of Acquittal how different will it be! You will, by that means, put an end to all theſe ſpeculative diſputes and rancourous proſecutions. You will be laying the foundation and corner ſtone to a Temple of Peace and Concord, wherein we ſhall be protected, not only from the ſtorms of Anarchy and Confuſion, attributed to the Author, Admirers, and Publiſhers of this book, but alſo from the invaſions of thoſe petty Subalterns of Arbitrary Power, who are ever fawning upon their ſuperiors, by perſecuting men better than themſelves.

SUMMING

SUMMING UP.

THE RECORDER SUMMED UP THE EVIDENCE, AND THEN PROCEEDED AS FOLLOWS:

BEFORE I come to the Queſtion of Publication, there are ſome previous other queſtions to be decided.

The Queſtion of Libel — The ſenſe of the Libel is always ſtated in the Indictment, by way of innuendo; and before the late Act of Parliament took place, it was always clear and ſettled Law, that it was matter of fact for the Jury to decide, whether that ſenſe was to be applied to the language of the Libel.

You have heard an able addreſs to you on the part of the Defendant, you will have to conſider whether the Author never meant, and had no intention to apply himſelf to the Government of this Country, in the language which he uſed; and at the ſame time, that the readers of this book, whoever they were, not merely Philoſophers and men of great information and learning, but the generality of mankind — whether the generality of mankind, reading this book, would apply this book, in the language in which it is written, to the King of this country, and the Hereditary Succeſſion and Government of this country, becauſe it has been contended, that the ſenſe applied by the Indictment is not the good ſenſe.

The Counſel, in taking that line of argument, has told you, that the force of this Libel is taken away, by ſtating to you, and therefore I muſt take it the fact is ſo, that there was a book publiſhed on the ſame ſubject, which book has been conſidered as a Libel; and his Client, in order to avoid the miſchief of that publication, has

publiſhed

publiſhed this in the way it ſtands; and that, by that means, not only the ſenſe is materially altered, but all the miſchiefs done by the former book are clearly done away, becauſe no mention is made of the Houſe of Hanover or the Government of this country.

You will be to conſider upon this part of the caſe, whether the perſons, who in general read this book, in the common ſenſe they uſe the word *Monarchy*, the word *abſolute* not being put one way, or *limited* the other, would not apply it to the Government of this country.

If upon reading the whole of this, you are ſatisfied that the perſon who wrote it, did not write it with an intention to weaken the hands of Government, to ſet every thing afloat, to put every thing into confuſion, but with a good honeſt philoſophical turn of mind, for the benefit and real advantage of mankind — if you are ſatisfied, that Paine publiſhed this book in this country, as a philoſophical man, coolly applying to the ſound diſcretion of thoſe who were competent to judge upon the ſubject, to men of learning, to Philoſophers, who could underſtand the terms in which he wrote, and that he meant to do no miſchief, it is what all Authors in this country have a power to do; for the diſtinction between the freedom of the Preſs and the abuſe of it is preciſely this — that every thing may be done by the Preſs which is done for the honour, advantage, and benefit of mankind; but nothing can be done by the Freedom of the Preſs that tends poſitively and decidedly to the injury of mankind; and, therefore, I ſhould hope you would throw out of your deciſion that ſort of captivating argument the learned Gentleman addreſſed to you upon the Freedom of the Preſs, becauſe I think it is out of the queſtion; for if it is a criminal work, the Freedom of the Preſs will be protected by your Verdict againſt it; if it is an innocent one, it will be protected by your Acquittal.

I ſhall

I ſhall leave it to you, whether this book is the work of a Philoſopher, meant to inſtruct mankind, and written in ſuch language as is calculated for perſons of that deſcription; or whether it is adapted to the loweſt orders of the people — people who either cannot, from their education or ſituation in life, be ſuppoſed to underſtand the ſubject on which he writes; and whether, from thoſe paſſages, which are ſelected here, and others, you will not find it rather adapted to the paſſions, than the good ſenſe of mankind, to induce them to be diſſatisfied with the Government under which they live, and look for ſomething more ſatisfactory than they find.

I cannot help obſerving, that this, if a criminal attack, has certainly a degree of aggravation in it, becauſe it is an attack upon a Government the moſt free that is now exiſting, a Government that ſeems to be eſtabliſhed for the benefit of all perſons concerned; the Crown is part of that Government, and is at the head of it. As a chief Magiſtrate muſt preſide over it, there then becomes another queſtion — Whether that ſhall be Hereditary, or whether it ſhall be Elective? Now, the beſt and moſt diſcreet Writers on that ſubject have found the moſt horrid inconveniences to ariſe from the repeated elections of Sovereigns; and I believe have, in general, agreed that Hereditary Succeſſion is moſt for the comfort and benefit of mankind. It is upon that principle our Conſtitution is formed, and I hope will continue.

You will judge of the points I have thought it my duty to ſtate. If the book was publiſhed, as the work of a Philoſopher, for the benefit of mankind, then this man will not have to anſwer for the Publication. If publiſhed with a malicious view, then he will have to anſwer for it, if you are convinced of the fact of Publication.

AFTER THE JURY HAD BEEN OUT OF COURT, UPWARDS OF TWO HOURS, THEY RETURNED.

FOREMAN OF THE JURY,

"*We find the Defendant Guilty of Publiſhing, but* "*not with a Criminal Intention.*"

Mr. GURNEY. That is, *NOT GUILTY.*

Mr. VAUGHAN. My Lord, the Verdict muſt be entered, NOT GUILTY.

RECORDER. No; the Verdict muſt be entered as the Jury have given it; but I ſhall tell the Jury what Verdict they have a right to find, in order that they may re-conſider it, if they think proper.

Mr. VAUGHAN. My Lord, I ſubmit that the Verdict of the Jury is given, and that the Court is bound to receive it, though in effect it is a Verdict of Acquittal, it is in form a Special Verdict — a Special Verdict is a ſolemn and a ſerious thing; it bears the mark of deliberation. In this caſe the Jury have deliberated maturely, and have found a Verdict, which I ſubmit cannot be altered.

RECORDER. I ſhall inform the Jury of the powers veſted in them by the Libel Bill, that they may not be taken by ſurpriſe.

Mr. VAUGHAN. I am very far from wiſhing the Jury to be taken by ſurpriſe, or to be precipitate. I am ſure it is for the advantage of my Client that they ſhould not be.

RECORDER. I do not think myſelf at liberty now to give the Jury my opinion upon, whether this is, or not, in point of Law a Libel.

Mr. WHITE,

Mr. WHITE. Your Lordſhip will pardon my ſpeaking; but my Counſel are not here. I ſubmit, your Lordſhip is at liberty, and that you are called upon to do it.

Mr. VAUGHAN. Certainly not, Mr. White; that time is paſt. His Lordſhip might have done it, in ſumming up, but his ſumming up is cloſed, and it is not competent to him to do it now.

Mr. GURNEY. I ſubmit, if your Lordſhip ſhould inform the Jury of the powers veſted in them by the Libel Bill — which Bill directs, that they may give a Verdict upon the whole matter put in iſſue before them—that you will tell them this, that, in order to find the Defendant Guilty, they muſt affirm every allegation in the Indictment to be true; and that if they diſbelieve and negative any one allegation, they are bound to find the Defendant, *Not Guilty*.

I ſubmit, that the Intention of the party is the giſt and eſſence of the crime; and that, without a criminal intention, no crime can be committed; conſequently, the Jury negativing the criminal intention of the Defendant, muſt acquit him of this Indictment.

RECORDER. I think I ought to tell the Jury, that, by the Libel Bill, they are intitled to give a Verdict upon the whole matter in iſſue before them.

Mr. GURNEY. If the Jury ſhould go out to reconſider their Verdict, I beg they may take out with them a copy of the Indictment; becauſe I am ſure it is impoſſible for any man to read the Indictment without ſeeing, that, if the Jury negative the criminality of the intention of the Defendant, they muſt neceſſarily find him — Not Guilty.

Mr. VAUGHAN. I contend, that the Verdict of the Jury is given, and that it is complete and irrevocable.

JURY. We have given our Verdict; and we perſiſt in it.

Mr. VAUGHAN. The Jury perſiſt in their Verdict? I apprehend it is your Lordſhip's pleaſure, that the Verdict ſhould be recorded.

RECORDER. Certainly.

Mr. GURNEY. The Verdict muſt be recorded — howeve unwillingly.

The Deputy Clerk of the Arraigns recorded the Verdict, and read it to the Jury.

Mr. GURNEY. Now I ſubmit to your Lordſhip, that the Defendant muſt be immediately diſcharged.

RECORDER. I certainly ſhall not diſcharge him.

Mr. GURNEY. Is this Man to be kept in cuſtody, now he is acquitted?

RECORDER. I ſuppoſe the Proſecutors do not mean to admit that he is acquitted.

Mr. WHITE. No.

Mr. GURNEY. But after a Jury of his Country have ſolemnly acquitted him of all Criminality of Intention, it would be an unheard-of cruelty to inflict a puniſhment upon him. If he is to be committed to priſon, the Jury might as well have found him Guilty.

Mr. VAUGHAN. This man ſtands in a moſt ſingular ſituation; he ſtands, *Convicted of Innocence.* I conceive he is intitled to his Diſcharge.

RECORDER.

RECORDER. The point of Law cannot be argued till next Seſſions — He muſt be committed till then.

Mr. GURNEY. This man has hitherto been at large upon bail — he has ſhewn no wiſh to withdraw himſelf from the Juſtice of his Country; and can it be imagined that, after having ſurrendered, taken his trial, and obtained a Verdict acquitting him of all Criminality of Intention, that he will now fly? It would be flying from Deliverance.

Mr. BONNEY propoſed Defendant's being admitted to bail.

Mr. WHITE. Without conſulting thoſe with whom I have the honour to act, I will conſent to let him be at large upon the ſame bail as before.

Mr. GURNEY. Are they here.

Mr. EATON. They were juſt now; but they are gone.

RECORDER. Then he muſt be committed to-night, and brought up to-morrow morning, to be bailed.

Mr. VAUGHAN. This is extremely cruel, that this man is to be committed to priſon at all.

Mr. WHITE. I thought, without any authority for doing it, I had gone a great way, in conſenting to what I did.

Mr. GURNEY. We are perfectly ſenſible of your politeneſs, Mr. White; but we cannot help feeling the hardſhip of our Client's ſituation.

Mr. VAUGHAN. We will find bail in a minute. One of the Bail is returned; and here is another Gentleman who offers himſelf.

Mr.

Mr. WHITE. I will not take any Bail, but the Perſons who were Bail before. For this reaſon; I have made enquiry, and am ſatisfied with them.

Mr. WHITE then left the Court; directly after which the Defendant was committed to Newgate, to be brought up next Morning, in order to be admitted to Bail; which he accoordingly was.

REMARKS

REMARKS.

THE following Seſſions commencing, and neither my Attorney nor Counſel having received any Notice reſpecting the buſineſs, on Wedneſday, the 26th of June, my Attorney gave Notice to the Attorney General of moving the Court to diſcharge my Recognizances on the Friday following; to evade which motion, Mr. Attorney General came on the Thurſday, the day before, well knowing my Counſel were not in Court; and moved, that the Caſe might be left to the determination of the Twelve Judges, till the next Term, as appears by the following account, extracted from the Morning Chronicle.

JUNE 28.

"Yeſterday the Attorney General informed the Court, that he "attended, in conſequence of the extraordinary Verdict found by "the Jury, upon the Trial of Mr. Eaton, who was indicted, laſt "Seſſions, for publiſhing the Second Part of Paine's Rights of "Man; when the Jury found the Defendant *Guilty of Publiſhing, "but without any criminal Intention.*

"Notice had been given him, that upon the foundation of this "Verdict, the Bail of Mr. Eaton intended to make an application "to be diſcharged from their Recognizances. The Attorney Ge- "neral ſaid, it was a Caſe of conſiderable importance, and he was "ready to argue it, or receive ſuch direction from the Judges as "they might think fit to give. It would be a queſtion for the "Judges to decide, what the legal import of the Verdict was; the "Caſe was diſtinguiſhed by its novelty, and it was of great concern "to the jurifprudence of the country, that the law ſhould be ſettled "upon this point."

The

" The Judges, Buller and Wilſon, was of opinion, that the " Verdict called for the moſt ſerious deliberation — there was ſome " difficulty in aſcertaining what the Intention of the Jury was, " when they pronounced the Verdict. It would be neceſſary to " conſider whether it amounted to any Verdict at all; and if it did, " whether it was an acquittal in part, or as to the whole of the " charge upon the Record.

" Mr. Juſtice Wilſon ſaid, the Jury poſſibly might mean, that " the ſentiments contained in Paine's pamphlet were not criminal. " After ſome converſation between Judge Buller, Wilſon, and the " Recorder, it was agreed, that the Caſe ſhould be laid before the " Judges, in order that they might enter the proper Verdict, and " ſettle the Law upon this point."

The next day, being Friday, we had given notice for moving the Court. I attended with my Bail; when I was, for the firſt time, informed, " that the Verdict was to be decided by the Judges next " Term." — I then addreſſed the Court; but was deſired to wait the Recorder's return, who had left the Court; which I accordingly did. And on his return began to read an Addreſs, which I had drawn up juſt before going into Court, leſt I might have expreſſed myſelf, without intending it, in offenſive terms. But the Recorder prevented my reading the whole; and, with much reluctance, I ſubmitted, telling the Recorder, however, and the Court, That, as an Engliſhman, I claimed the Right and Protection of the Laws; that I conceived the Verdict was a Verdict of Acquittal; and the more ſo, as I had heard one of the Jury ſay at the time, it was intended as an Acquittal. I therefore inſiſted upon having juſtice and demanded my diſcharge. To which the Recorder anſwered, Mr. Eaton, you may depend on having *ſtrict* juſtice; but it is now " left to the deciſion of the Twelve Judges."

Thus

Thus foiled by the *ingenious management* of the Attorney General, and thus prevented from making a regular application to the Court, by the *irreſiſtable interference* of the Recorder, I thought it incumbent on me to inform the Public of the nature of the Proceedings; which I did, in the Morning Chronicle of the next day as follows:

To the EDITOR *of the* MORNING CHRONICLE.

SIR,

I THINK it my duty to ſtate to the public, that being yeſterday brought up to the Seſſions of the Old Bailey, it was my intention to addreſs the Court in the words ſubjoined; being however prevented, I will beg of you to inſert them, in order that my fellow-citizens may not ſuppoſe that I omitted claiming my acquittal under the verdict after mentioned. I was indeed ſtopped by the Court, by reaſon that the Attorney General had yeſterday come down and moved that the verdict ſhould be referred to the Twelve Judges. But as on this proceeding was without any notice to me, or my Attorney or Counſel; and notwithſtanding I had given notice that the Court would be moved on this day, to diſcharge my recognizance; I did think it proper to object to their proceeding, in which I am ſure no one can fairly think me to blame.

"MY LORD,

"If your Lordſhip will have the goodneſs to hear me for one word. My Counſel are not here, and therefore your Lordſhip will excuſe my ſpeaking for myſelf. "My

" My Lord, I am come here in discharge of my recognizances, by which I was bound over to receive the judgment of this Court, upon a verdict found the last Sessions, on an indictment for libel.

" My Lord, that verdict was, " That I was guilty of publishing, but without any criminal Intent—— Iam told by my counsel, and I belive it is an almost universal opinion, that this is a verdict of acquittal, because the law of England knows no guilt in any action, where there is no criminal intent,

" Now, my Lord, I demand my discharge of the Court, because no man can be imprisoned, unless by the judgment of his equals, or by the law of the land. A jury of my equals have found me without any criminal intentions, the law acquits me of all crime, and admits of no imprisonment.

" My Lord, I am a poor but an honest man; I can bear punishment, when I know it is good for the public example. But, I should think myself guilty of an heinous crime indeed, were I to neglect putting in my claim to my right under this verdict. And so my Lord I throw myself on the Justice of the Court; whether being acquitted by a Jury of my fellow subjects, I am not entitled by the law, to my liberty as an Englishman."

DANIEL ISSAC EATON,

No. 81, *Bishopsgate-Street*,

FINIS.

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